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9/28/01

<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>  Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).	Application Number	09/398,156
	Filing Date	September 16, 1999
	Examiner Name	Neil S. Levy
	First Named Inventor	R. Eric Montgomery
	Group Art Unit	1616
	Attorney Docket Number	04163-00037

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

- Submission required under 37 C.F.R. § 1.114**
  - ☐ Previously submitted
    - ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
 (Any unentered amendment(s) referred to above will be entered).
    - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
    - ☐ Other \_\_\_\_\_
  - Enclosed
    - ☒ Amendment/Reply
    - ☐ Affidavit(s)/Declaration(s)
    - ☐ Information Disclosure Statement (IDS)
    - ☒ Other Petition for Three-Month Extension of Time
- Miscellaneous**
  - ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
  - ☐ Other \_\_\_\_\_
- Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
  - ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 18-0733
    - ☒ RCE fee required under 37 C.F.R. § 1.17(e)
    - ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
    - ☐ Other \_\_\_\_\_
  - ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
  - ☐ Payment by credit card (Form PTO-2036 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	John P. Iwanicki	Registration No. (Attorney/Agent)	34,628
Signature		Date	September 28, 2001

CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:			
Name (Print/Type)	Laurie Hall	Date	September 28, 2001
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

R. Eric Montgomery

Serial No.: 09/398,156

Filed: September 16, 1999

Title: IMPROVED PROTEINOGEIOUS ANIMAL CHEW  
WITH DENTALLY THERAPEUTIC CANON

Examiner: Neil S. Levy

Art Unit: 1616

Assistant Commissioner for Patents  
Box AF  
Washington, D.C. 20231

AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

This is in response to the final Office Action dated March 29, 2001. Please consider the following remarks. On September 26, 2001, Applicants previously submitted an Amendment and Response to Office Action with a Petition for Three-Month Extension of Time, but did not file a Request for Continued Examination. Applicants respectfully request that the September 26, 2001 filings be substituted with the present filings.

I hereby certify that this correspondence is being submitted by  
facsimile addressed to: fax no. (703) 308-7922, Assistant  
Commissioner for Patents, Attn: Examiner Neil S. Levy, Group  
1616, Washington, D.C. 20231, on

September 28, 2001

Date

*Laurie Hall*

Laurie Hall

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